

## **DRAFT DEQ ACL VARIANCE PROCEDURE**

11/16/06

1. DEQ will do a statewide variance and statewide public notice to cover facilities that submit a variance request with the fee by 2/1/07 (COB).
2. Facilities who have already submitted requests and facilities that submit requests by 2/1 will pay the \$390 fee, but will not pay for or process a specific public notice, since they are covered by the statewide variance. Facilities who submit requests after 2/1 will pay the \$390 fee, pay for their own public notice and process their own public notice for an individual variance.
3. Once a variance is completed under #2 (either coverage under statewide variance or individual variance), and as long as facilities choose DEQ default ACL values, no future variance will be required. A facility may choose to submit a specific variance now or in the future to allow use of non-DEQ default values, pay the fee, and pay the public notice.
4. The statewide variance will contain language that facilities accept DEQ default ACL values for this and future EPA toxicity changes and retain the option of submitting a specific request to use other values at any time. The option to submit their own value and have DEQ review it is not waived by using the statewide variance.
5. DEQ developed a short form for facilities to check a box for coverage under the statewide variance. Alternatively, facilities can submit a short letter indicating their request. DEQ will route and process these together to increase efficiency.
6. The statewide variance will be posted on the DEQ website and published in major newspapers for a 30-day comment period. If the notice appears ~2/5/07, and there are no public comments or the public comments can be addressed, the statewide variance can be effective ~3/5/07.